

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARILYN MARTIN,

Plaintiff,

V.

TWIN CITY INSURANCE COMPANY,
THE HARTFORD FINANCIAL SERVICES
GROUP, INC. and HARTFORD FIRE
INSURANCE COMPANY.

Defendants.

Case No. 08-5651RJB

ORDER RE MOTIONS TO SEAL

TWIN CITY INSURANCE COMPANY,
THE HARTFORD FINANCIAL SERVICES
GROUP, INC. and HARTFORD FIRE
INSURANCE COMPANY.

Defendants.

This matter comes before the Court on Class Counsel¹ Motions to Seal (Dkts. 71, 72, 73, 82) and Counsel² for Class Representative’s Motion to Seal (Dkt. 81). The Court has considered the relevant documents and the remainder of the file herein.

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On January 25, 2010, a Joint Status Report was filed in this case. Dkt. 65. On the same day, Counsel for Class Representative, filed a document entitled “Memorandum of Class Representative Marilyn Martin in Response to Joint Report to Court.” Dkt. 66. On February 3, 2010, the Class Counsel filed a document that responded to the Memorandum filed by Counsel

¹ “Class Counsel” for the purposes of this order includes Steve Hansen, Debra Hayes, David Futscher and Van Bunch, and does not include Alana Bullis.

² “Counsel for Class Representative” for the purposes of this order is Alana Bullis.

1 for Class Representative, and filed a Motion to Disqualify Counsel. Dkt. 70. In connection with
2 the pleading regarding the Motion to Disqualify Counsel, the Class Counsel and the Counsel for
3 Class Representative filed several motions to seal. Dkt. 71, 72, 73, 81, 82. The Court will now
4 address the serial motions to seal in one order in the interest of judicial efficiency.

5 **II. DISCUSSION**

6 Local Rule CR (5)(g) sets forth a uniform procedure for sealing documents filed with this
7 court. “There is a strong presumption of public access to the court’s files.” CR(g)(2). “With
8 regard to nondispositive motions, this presumption may be overcome by a showing of good
9 cause under Rule 26(c).” *Id.* Fed.R.Civ.P. Rule 26(c)(1) provides that a court may, for good
10 cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or
11 undue burden or expense.

12 Class Counsel requests that three documents, the declarations of Debra Hays, Stephen
13 Hansen, and David Futscher (Dkts. 74, 75, 76), be sealed because they contain information
14 regarding confidential settlement negotiations and/or client communications. Dkts. 71, 72, 73.
15 Under CR 7(b)(2), “[i]f a party fails to file papers in opposition to a motion, such failure may be
16 considered by the court as an admission that the motion has merit.” These motions are without
17 opposition by any party. Therefore, the Court may consider the absence of opposition as an
18 admission that the motion has merit. The Court believes that there is good cause to seal the
19 documents submitted by Class Counsel because they contain information regarding settlement
20 negotiations and/or client communications.

21 Class Counsel also requests that the deposition transcript of Darrell Harber (Dkt. 83) be
22 sealed until the filing of documents seeking Preliminary Approval of the Settlement because the
23 transcripts contain information regarding confidential settlement terms. Dkt. 82, p. 1. This
24 motion is without opposition by any party. Therefore, the Court may consider the absence of
25 opposition as an admission that the motion has merit. The Court believes that there is good
26 cause to seal the deposition transcript of Darrell Harber because it contains information
27 regarding settlement terms until such time there is a filing of documents seeking preliminary
28 approval of a settlement.

1 Counsel for the Class Representative requests that the Court seal several documents
2 because they contain information regarding confidential settlement negotiations. Dkt. 81.
3 Specifically, she requests that the following be sealed:

- 4 1. Class Representative's Opposition to Motion to Disqualify and Counter-
5 Motion to Disqualify (Dkt. 77);
- 6 2. Declaration of Marilyn L. Martin, (Dkt. 77, Attachment 2);
- 7 3. Declaration of Tamara L. Martin (Dkt. 77, Attachment 3);
- 8 4. Memorandum of Class Representative in Response to Joint Report (Dkt. 66);
- 9 5. Declaration of Alana K. Bullis (Dkt. 64); and
- 10 6. Affidavit of Class Representative Marilyn Marting (Dkt. 64, Attachment 1).

11 This motion is without opposition by any party. Therefore, the Court may consider the absence
12 of opposition as an admission that the motion has merit. The Court believes that there is good
13 cause to seal these documents because they contain information regarding settlement
14 negotiations.

15 For the foregoing reasons, the Motions to Seal should be granted.

16 **III. ORDER**

17 The Court does hereby find and ORDER:

- 18 (1) Class Counsel's Motions to Seal (Dkts. 71, 72, 73, 82) are **GRANTED**;
- 19 (2) Counsel for Class Representative's Motion to Seal (Dkt. 81) is **GRANTED**; and
- 20 (3) The Clerk is directed to send uncertified copies of this Order to all counsel of record
21 and to any party appearing *pro se* at said party's last known address..

22 DATED this 26th day of February, 2010.

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25 Robert J. Bryan
26 United States District Judge
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